

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

RAFAEL FONSECA-RESA,)

Defendant.)

CASE NO. MJ07-492

DETENTION ORDER

Offense charged:

Count I: Illegal Reentry After Deportation, in violation of Title 8, U.S.C., Section 1326(a).

Date of Detention Hearing: October 18, 2007

The Court, having conducted an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Don Reno. The defendant was represented by Nancy Tenney.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) The defendant represents a risk of nonappearance due to the following:
- he is a citizen and national of Mexico who has previously been deported;
 - he has no ties to this district; his ties to the Western District of

Washington are unknown/unverified; and the Bureau of Immigration and Customs Enforcement has filed a detainer.

(2) He was not interviewed by Pretrial Services.

(3) The defendant does not contest detention at this time.

Thus, there is no condition or combination of conditions that would reasonably assure future court appearances.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences, or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the correctional facility in which Defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 22nd day of October, 2007.



MONICA J. BENTON
United States Magistrate Judge